

JUDGE SCHEINER

12 CIV 7950

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
ULTRABULK A/S f/k/a EITZEN BULK A/S

Plaintiff,

vs.

AAVANTI SHIPPING AND CHARTERING LTD

Defendant.  
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/25/12

1:12-CV

ORDER AUTHORIZING  
ISSUANCE OF PROCESS  
OF MARITIME  
ATTACHMENT AND  
GARNISHMENT

Having reviewed and considered the Ex-Parte Motion for Issuance of Process of Maritime Attachment and Garnishment of Plaintiff, ULTRABULK A/S formerly known as EITZEN BULK A/S, and Plaintiff's Verified Complaint, together with the Attorney Declaration that the Defendant cannot be found in the District, and finding that the conditions of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure appear to exist, the Court hereby:

**ORDERS** the Clerk to issue Process of Maritime Attachment and Garnishment pursuant to Rule B directing the United States Marshal for the Southern District of New York to attach all property, tangible or intangible, belonging to Defendant AAVANTI SHIPPING AND CHARTERING LTD. comprised of debts, credits, or effects including but not limited to: bank accounts, checks, payments made to, held or which may be receivable by, the said garnishees on behalf of the said Defendant, freights, sub-freights, monies, disbursement advances, charter hire, sub-charter hire, payments for bunkers, goods or other services, documents of title, shares of stock or other financial instruments and any other funds, collateral or property of any kind belonging to, claimed by, or held for the benefit of, the Defendant, within this District in an

amount up to **USD 54,246,358.06** pursuant to Supplemental Rule B and the same be attached as may be found in the possession, custody or control of garnishees or which are found in the possession or control of specific garnishees, to wit: Standard Chartered Bank, 1095 Avenue of the Americas New York, New York 10036; and

**ORDERS** that the Clerk of the Court shall issue further, supplementary process of maritime attachment and garnishment, on request of the Plaintiff and without further order of this Court; and

**ORDERS** that any tangible or intangible property in the hands of the garnishee(s) and attached pursuant to this Order, may be released from seizure without the necessity of further orders of this Court, provided that the Marshal, or garnishee receives written authorization to do so from the attorney who requested the attachment and garnishment, stating that he has conferred with all attorneys representing parties to the litigation, and they consent to the request for the release, and also provided that the Court has not entered any subsequent orders modifying this arrangement for the release of the property which was attached pursuant to this Order; and

**ORDERS** that any person claiming an interest in the property attached or garnished pursuant to order upon application of the Court, be entitled to a prompt hearing in which Plaintiff shall be required to show why the attachment or garnishment should not be vacated or other relief granted; and

**ORDERS** that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment.

SIGNED at New York, New York this 25 day of October, 2012.

A handwritten signature in black ink, appearing to be "C. Lee H. H.", written over a horizontal line.

UNITED STATES DISTRICT COURT JUDGE

A small, handwritten mark resembling a checkmark or a stylized "r" located to the right of the judge's title.